

REMARKS/ARGUMENTS

Claims 16-30 are presented. Claims 16, 23, and 25 have been amended and no claims have been canceled or added. Applicants appreciate and acknowledge the Examiner's withdrawal of the previous rejections under 35 U.S.C. § 112, second paragraph, as well as the previous rejection under 35 U.S.C. § 103(a) for obviousness in view of Janssens *et al.*, WO 97/24356 ("Janssens"). Applicants also appreciate and acknowledge the Examiner's indication that claims 26 and 27 would define allowable subject matter if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 16-25 and 28-30 have been rejected under 35 U.S.C. § 112, first paragraph, as being nonenabled with respect to the term "prodrug." For the reasons stated in Applicants' last response, it is submitted respectfully that one of ordinary skill in the art would readily be able to make and/or use a prodrug within the scope of the present invention given Applicants' disclosure. However, in an effort to advance prosecution, Applicants have amended the claims to remove the term "prodrug." Applicants also believe this moots the Examiner's concern regarding incorporation by reference of essential matter (see Office Action at page 4). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 23 and 25 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Applicants have amended claim 23 to correct a typographical error and obviate the indefiniteness rejection. With respect to claim 25, the Office Action states that it is "not known what is meant by the *composition* claim where the claim is nothing more than the mixing of a pharmaceutically acceptable carrier and a compound as defined in claim 16" (emphasis added). Applicants wish to clarify that claim 25 is a *process* claim for preparing a pharmaceutical composition and have amended the claim to more clearly define the process. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §112, second paragraph.

Rejection Under 35 U.S.C. § 102

Claims 16, 19, 20, and 22 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Janssens *et al.*, WO 97/24356 ("Janssens"). In particular, the Office Action asserts that Janssens teaches the claimed compound of the instant invention where Applicants' L is phenylmethyl (*see* Janssens at page 21, intermediate compound 6).

In view of the current claim amendments, Applicants believe this rejection to be moot and respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) in view of Janssens.

Miscellaneous

Applicants appreciate the Examiner's suggestion concerning the proper language and format of the Abstract and have submitted a replacement Abstract herewith.

DOCKET NO.: JANB-0002/JAB-1442
Application No.: 09/868,535
Office Action Dated: April 14, 2003

PATENT

Conclusion

Entrance of the foregoing amendments and an early and favorable Action is respectfully requested.

Date: August 11, 2003



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